(1)

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

Writ Petition No. 8239/2015

Petitioner: Neeraj Gupta

VERSUS

Respondents: State of M.P. and others.

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Dated
Jabalpur

VIJAY NAIDU
COUNSEL FOR PETITIONER

(2)

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

Writ Petition No. ....6139.../2015

Petitioner: Neeraj Gupta

VERSUS

Respondents: **State of M.P. and others.**

CHRONOLOGY OF EVENTS

S.No	DATE	EVENT
1.		The crux of the case is as under that the petitioner was offered a job in the Wirpo Company by his known friend namely Suresh Mahto and has asked that inorder to join one has to deposit security amount of Rs. 20,000/- in the respective account of the Wipro Co. Further, relying upon the words of Suresh Mahto the petitioner deposited Rs.20,000/- cash in the Axis Bank Branch situated at City Center, Dhanwad, Jharkhand account holder Sandhaliya Ashok Kumar bearing account no.911010036113712.
2.		The petitioner received interview call from the accused and it was scheduled for 21.02.2013 and thereafter, petitioner was handed over offer letter dated 24.02.2013 and was asked to join.
3.		The petitioner was shocked to know that he has been cheated through high profile racket system and the offer letter which was delivered through srinivisan@recuritmentwipro.com was a fake agency and thereafter petitioner went on rampage to find out truth behind all this.
4.		In follow up of the complaint the petitioner moved one compliant to the concerned CSP, Singhrouli vide dated 26.03.2015 but till date no action has been taken against the alleged accused by the authorities.

Dated

Jabalpur

VIJAY NAIDU

COUNSEL FOR PETITIONER

(3)

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

Writ Petition No. 8239 /2015

Petitioner: Neeraj Gupta, S/o Shri Munnilal Gupta, Aged about 30 yrs, R/o, Main Market Bargawa, Police Station Bargawa, Disrict Singrouli, M.P.

VERSUS

Respondents:

1. **State of M.P.**
Through its Secretary,
Department of Home,
Vallabh Bhawan, Bhopal, M.P.

2. **Director General of Police,**
Bhopal, M.P.

3. **Superintendent of Police,**
Singrouli, District Singhrouli, M.P.

4. **Additional Superintendent of Police,** Singhrouli, District Singhrouli, M.P.

5. **Station House officer,**
P.S. Bargawa, Distt. SSingrouli, M.P.

6. **Director,**
Central Bureau of Investigation,
C.G.O., Complex, Lodhi Road,
New Delhi, India.

7. **Wipro Company Ltd.**
Through its Chairman/Director

Mumbai, Maharashtra

(Writ Petition under Article 226 of the Constitution of India)

1. Particulars of the cause/order against which the petition is made:

(1) Date of Order : NILL
(2) Passed in : NILL
(3) Passed by : NILL
(4) **Subject matter in brief** :

This petition is being filed against the inaction of establishment of respondents whereby failed to seriously investigate into the complaint in accordance with law, and further for not taking action against the alleged accused involved in racket of providing job facility for those ready to work in private sector Multi National Companies.

However, after handing over the relevant, vital documents pertaining to involvement, nexus of accused in the case, the respondent no.3,4 & 5 failed to carry out proper investigation. The petitioner alleging serious allegations against accused having all documentary proof of crime, giving details and its documentary proof in respect of each allegation, but instead of summoning the persons against whom allegations of crime were made by the petitioner, the establishment of respondent Police Authority is sitting tight over the matter and has failed to take any action on the compliant filed by the petitioner.

The petitioner has been treated as football and been kicked off from one investigating agency to another but no appropriate action was ever taken by the authorities. No investigation whatsoever was done, nor was any statements recorded of accused or witnesses or evidence collected. Even, relevant records have also not been perused or considered.

That the respondent no.3 to 5 is an investigating agency and without making any investigation

whatsoever, failed to register an First Information Report against the alleged accused in the compliant mentioned by the petitioner. Hence this petition.

2. **A declaration that no proceeding on the same subject matter has been previously instituted in any Court / tribunal. If instituted, the status or result thereof, along with copy of the order:**

The petitioner declares that no proceeding on the same subject matter has been previously instituted before in any Court/Tribunal.

3. **Details of remedies exhausted:**

The petitioner declares that he has availed all statutory and other remedies.

4. **Delay, if any, in filing the petition and explanation therefor:**

There is no delay in filing the present petition.

5. **Facts of the case:**

5.1 That, the petitioner is a graduate in Engineering and was providing his service to private company.

5.2 That, the crux of the case is as under that the petitioner was offered a job in the Wirpo Company by his known friend namely Suresh Mahto and has asked that inorder to join one has to deposit security amount of Rs. 20,000/- in the respective account of the Wipro Co. Further, relying upon the words of Suresh Mahto the petitioner deposited Rs.20,000/- cash in the Axis Bank Branch situated at City Center, Dhanwad, Jharkhand

account holder Sandhaliya Ashok Kumar bearing account no.911010036113712. A copy of the bank transaction is filed and marked herewith as **Annexure P/1.**

5.3 That, the petitioner received interview call from the accused and it was scheduled for 21.02.2013 and thereafter, petitioner was handed over offer letter dated 24.02.2013 and was asked to join. A copy of the offer letter is filed and marked herewith as **Annexure P/2.**

5.4 Further after that petitioner prepared to join the service but till date no destination place allotted. Being felted cheated the petitioner started through his own efforts to come to know the reality of the job on which petitioner has been recruited.

5.5 That, the petitioner was shocked to know that he has been cheated through high profile racket system and the offer letter which was delivered through srinivisan@recuritmentwipro.com was a fake agency and thereafter petitioner went on rampage to find out truth behind all this. Finally after discovery of all the mails, ID's and domain of the Wipro company and its officers one written complaint was done to respondent no.3 to 5 for deep investigation against the racket going on but all went in vain. A copy of the complaint to Respondent Superintendent of Police dated 19.01.2015 is marked herewith as **Annexure P/3.**

5.6 Thereafter, in follow up of the complaint the petitioner moved one compliant to the concerned CSP, Singhrouli vide dated 26.03.2015 but till date no action has been taken against the alleged accused by the authorities. A copy of the compliant report is marked herewith as **Annexure P/4.**

5.7 At this stage it will be worth to mention here that petitioner provided all the details relevant to hold proper investigation viz. e-mail conversations between the parties, voice recording between parties, domain of the Wipro Ltd. which their officers at high level are using, internet interface as well youtube links.

5.8 That, meanwhile petitioner also filed writt4en compliant to the cyber cell but that has also met into deaf ears.

5.9 That, the petitioner being aggrieved by the inaction of the respondent police authority i.e. S.P., CSP, Singrouli, is bad, perverse and against the law of the land to provide protection to life, property. Hence this petition on the followings grounds amongst others:-

6. Grounds: -

6.1 For that, allegations made by the petitioner, prima facie constitute serious offences punishable under IPC as nexus among accused and abettors establishes the crime.

6.2 For that, the respondents have failed to comply with the provisions pertaining to investigations as been empowered by various provision of law. Since no investigation was at all done, the decision to close the case is arbitrary and illegal.

6.3 For that, the respondents are duty bound to conduct the investigation and it is only thereafter, that a conclusion can be arrived at by them regarding closing the matter pertaining to offence alleged by the petitioner.

6.4 For that, it appears that the respondent authority is in hands in glove with the officers of Wipro company

which is at no.5 position in India for providing customer services.

6.5 For that, the approach of the respondents is contrary to law, arbitrary and illegal. For so, that after supplying all the relevant material, documentary proof, evidence and witnesses in favour of the prosecution no appropriate action taken by the Police Authority. Thus, the inaction proves malafide intent of the respondents, beyond any doubt.

7. Relief Sought: -

In view of the facts and circumstances stated above, this Hon'ble Court may kindly be pleased to: -

7.1 Call for the records of the case.

7.2 To command to convert compliant dated 19.01.2015 filed before SP, Singrouli and CSP, Singrouli into FIR.

7.3 To issue a writ in the nature of mandamus directing the respondents to conduct investigations regarding the alleged offence and to proceed in accordance with law.

7.4 To issue direction for investigation and inquiry by an independent agency like Central Bureau of Investigation.

7.6 To grant any other relief, which this Hon'ble Court deems just and proper in the facts and circumstances of the case.

8. Interim Order/writ, if prayed for:

nill. at this stage, its prayed to this Hon'ble Court, may be kindly be pleased to grant protection to ~~the~~ life of petitioner as he apprehends threat from respondent no 7., in the ends of Justice.

9. Documents relied on but not in possession of the petitioner:

No documents.

10. Caveat:

That, no notice of lodging a caveat by the opposite party is received.

JABALPUR
DATED: - -2015

VIJAY NAIDU
COUNSEL FOR PETITIONER

(9)

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

Writ Petition No. ...8239...../2015

Petitioner: Neeraj Gupta

VERSUS

Respondents: **State of M.P. and others.**

AFFIDAVIT

I, Neeraj Gupta Son of Shri Munnilal Gupta, aged about 30 years, Profession Engg., R/o, Main market Bargawa, District Singrouli, M.P., do hereby solemnly affirm on oath as under:

1) That I am the petitioner in the instant Writ Petition, hence competent to swear this affidavit on oath.
2) That I have filed the Wirt Petition before this Hon'ble High Court, the same has been drawn under my instructions and has been explained to me in Hindi and I have understood the same. The documents annexed are the true copies of original, believed to be true.
3) That the contents of paras 1to 13 of the PIL are true to my personal knowledge and belief.

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my personal knowledge and belief.

Signed and verified on this 4th day of June 2015 at Jabalpur.

IDENTIFIED BY ME.